IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8276 of 2000

Between:

Bathini Rajesham S/o.Parshaiah
R/o.Rekurthi (V) Karimnagar (M)
Karimnagr Dist.

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent-cum-Functional Registrar

Toddy, Tappers Coop.Societies Karimnagar District, Karimnagar.
2 The Dy.Commissioner for Proh. & Excise
Karimnagar Divisional Karimnagar Dist.
3 Sri Bandari Narayana R/o.Rekurthi Village Karimnagar Mandal & Dist.
4 Sri D.Komuraiah, S/o. not known, occ: Member of MPTC, Karimnagar,
Karimnagar Dist.
5 Sri.N.Chandraiah, occ:Ward Member of Grampanchayath Rekurthy,
Karimnagar Dist.
6 Toddy Tappers Coop.Societies Rep.by its President/Person Incharge
Rekurthi Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring Cr.No.62/2000/P&Ex/A6, dtd.27-04-2000 of the Dy.Commissioner of Proh. & Excise, Karimnagar Division, Karimnagar in removing the petitioner from the membership of TCS Rekurthi as without jurisdiction, illegal, arbitrary and against principles of natural justice and suspend the operation of Cr.No.62/2000/P&Ex/A6, dtd.27-04-2000 of the Dy.Commissioner of Prohibition & Excise, Karimnagar Division, Karimnagar permitting the petitioner to continue as a

membership in TCS Rekurthi.

Counsel for the Petitioner:MR.T.PRASANNA KUMAR

Counsel for the Respondent Nos1 & 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: MR. RAVIKIRAN RAO.

Counsel for the Respondent Nos 4 to 6: None appeared.

The Court made the following :

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ORDER:

Heard both sides.

It is submitted by the learned counsel on either side that the question involved in this writ petition is squarely covered by the Judgment of this Court in W.P.No.384 of 2000 dated 19-01-2000, where under, this Court interdicted a similar such order only on the ground of want of notice. Admittedly, in this case, there is no such notice.

Following the same, the writ petition is allowed, the impugned order is set aside, and the matter is remanded to the second respondent herein for fresh consideration and disposal according to law, after giving notice and opportunity to both the parties.

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03-11-2004

To

1 The Prohibition & Excise Superintendent-cum-Functional Registrar

Toddy Tappers Coop.Societies Karimnagar District, Karimnagar.

2 The Dy. Commissioner for Prohibition & Excise , Karimnagar Division,

Karimnagar Dist.

3 Two C.D. copies to the Government Pleader for Prohibition and

Excise, High Court Building, Hyderabad. (OUT).

4. Two C.D. copies.

sj